

Charter Change Meeting for New Castle City took place on July 6, 2011 at 1:00 p.m. in the City of New Castle's Town Hall.

Members Present:

Dr. Genevive Miller, Chairperson

Josephine Moore

Dan Losco, City Solicitor

Absent:

James Vincent

John Houben

Dr. Miller called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was declared.

Mr. Michael Hayman, spoke from the audience. He would like to have in the charter changed to include the ability to call a referendum on specific issues, by a petition with a pre-determined number of signatures. It would be a coup for our City to be the first in the State to have this in our Charter.

Dr. Miller stated that the only way to accomplish that at this time is for the citizens to go directly to the Councilmembers.

Committee concluded that if such a change is made to the Charter setting a high signature for petitions to keep frivolous referendums to a minimum.

City Solicitor will bring examples of Charters from other municipalities in the state of comparable size.

Discussion on how Committee will report change to Council. City Solicitor will provide the Committee with redline copies.

Recap of June 29th and 30th meetings with the City Solicitor.

Committee discussed the possibility of changing the signature of the City. Instead of being identified as the Mayor and Council, the committee would like to suggest the more modern name of City of New Castle, as in City of Wilmington, Mayor and Council seems like an outdated term.

Discussion regarding gender neutral terms and capitalization to be used throughout the Charter.

Section 2, Committee discussed taking out 2 words, hereditaments and chattel; Mr. Losco, suggested that chattel stay in, it referees to personal property. Hereditaments referees to things that can be run with property, such as easements. They are common real estate terms, and can stay in.

Section 3, President and members of Council must be property owners, should be eliminated. While they do not have to be property owners, they must be residents for a certain numbers of years.

Section 4, run in districts should be changed to run in all districts, who will be elected bi-annually. There are no districts at this time, this wording needs to be changed.

Section 5, References to City being divided into 4 districts need to be removed. Committee is recommending that the polls be open from 7 a.m. to 7 p.m. so people can vote before or after work.

Committee asked Mr. Losco, if in the event of election ending in a tie, could we have a “run off” election instead of Council being decided by outgoing Council or Mayor. City solicitor pointed out that there is a state law pending that would require tied elections be decided by the Mayor or Council; primarily due to monetary considerations. If we do make the “run-off” change this in our charter, we may have to change it back once that legislation has passed.

Discussion of how Committee would like to address Gender natural terms. When referring to a person should it read he/she him/her.

Section 8, In case of a vacancy (death, resignation, refusal to act, disability, removal, or failure to give bond under the provisions of this charter,) during a term, same reasoning as a tie vote would hold true; council would elect a suitable person as stipulated currently in the Charter. Having an interium election would be costly.

Section 9, Committee suggested that fine for Election workers be raised from five hundred to one thousand dollars.

Mayor should be capitalized throughout.

Section 10, Discussion of retaining/reinstating Mayor’s court. Discussion was heard regarding reinstating Mayor’s Court, and using this as a revenue source. Mr. Losco pointed out that while it might be fiscally beneficial hold court, and keep fines and court costs, the City would have the added costs of holding court, such as metal detectors and guards; making it a cost burden to reinstate it as such.

At a previous meeting it was suggested that the City should consider keeping the Mayor’s court intact, in the event the State is unable or unwilling to hear our cases for any reason in the future.

Section 11; Discussion of the Mayor having authority to appoint the president of Council as acting mayor, to serve during the absence or sickness. Committee wants to make the suggestion that it not have to be in writing.

Council President will assume Mayor’s duties if Mayor is unable or unwilling to act. If someone runs for Council President, they should be aware that there is the possibility that they will be required to assume the duties of the Mayor. City Solicitor will rewrite this section.

Section 12, If there is no active Mayor’s court, this section would not be needed, as there would be no records.

Additional discussion regarding Mayor’s Court, and if it would be better to do away with it for the City. City solicitor suggested that it might be advisable to consider doing away with Mayor’s court altogether. It is unlikely that the State will refuse to hear our cases.

Section 13: Change the word constables to law enforcement officers, or police officers. Change “call upon the sheriff” to “call upon the sheriff or other police agencies.”

All police agencies have a mutual aide understanding. The County calls New Castle City police, and vice versa.

Section 14: Change Constables to Police Officers.

Section 15: Remove “he’s and his’s”, for gender neutrality.

Josephine Moore stated that she has been getting feedback from residents regarding the Historic Area Commission.

Dr. Miller stated that HAC is a committee appointed by council. At a previous meeting a resident was concerned that there is a voting member of HAC who is not a resident.

Mr. Losco stated that most of HAC’s powers come from Ordinances, and if a resident is interested in a specific change they should go to a Councilperson.

Mr. Losco made the motion to adjourn.

Meeting was adjourned at 2:20 p.m.

Respectfully submitted,

Kim Burgmuller